1: Nadel E-5 (1934-1936) 1942
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would happen: 'you give the *egba* half this sum, he will quash the case, and you will still have a profit of 5*s*. Of course, if a larger sum is involved this is not so easy, for such an amount is difficult to hush up, and too many people would know about it.'

The judicial procedure in the capital followed, till recently, two different principles: the *sheri'a gboró*, 'straight judgement', for pagans, and the *sheri'a nya kurani*, 'judgement according to the Koran', for Mohammedans. The former represented the 'customary law' of the country, which would do justice to the local pagan customs; it also implied the oath on the sacred objects of pagan Nupe, especially the chain of Tsoede. The latter followed the written Mohammedan law and implied the oath on the Koran. Punishment of ordinary criminals was performed in the capital, on the open market—be it flogging, *shelá*, or capital punishment. In the case of political offences and in the case of men of rank, royal princes, or members of the high nobility, the execution took place under the cover of night and in the secrecy of their own houses. Whether this 'preferential' treatment expressed a last privilege granted to the ruling classes or whether such secrecy was thought to uphold the morale of the feudal kingdom I cannot say.[1]

All the various crimes and offences listed in our table became actionable only when there was a plaintiff. The state itself did not undertake to prosecute unless it was appealed to first by a person bringing a charge against some other person—with one exception: the crime *lèse-majesté*. The widespread knowledge with regard to this crime and its punishment in districts and groups which certainly never came into personal contact with the king precludes the assumption that in this case, too, the legal executive waited for a concrete charge being brought by the plaintiff in question, i.e. the king. Rather we must assume that the crime became actionable in an absolute sense, whenever and wherever it was committed, provided that witnesses of the act existed. Whether the information about the crime reached the central authority through private information or denunciation, or through the official channels of delegates and sub-delegates, I cannot say; but the important fact is that here the state took the initiative in prosecuting the offender. We have here the instance of an indictable offence in the modern sense of the word—a legal definition unparalleled in any known primitive system of law.

In this comprehensive and strongly centralized jurisdiction the political system of Nupe achieved its strongest hold over the peoples of the kingdom. Here the co-ordination of morality, the uniformity of cultures of which we have spoken, is secured by the most effective weapon, the coercive machinery of state jurisdiction. We possess certain evidence which shows that this comprehensive co-ordination was achieved gradually, and that the political system extended its judicial

[1] I have referred already to the ancient, pre-Fulani, judicial organization of the *ledu*, the 'King's Hangmen', who lived in villages on the Niger and there, far from the king's town, executed the criminals who were condemned to death (see p. 73). It is interesting to mention here certain stories current in Bida which record that the *ledu* organization was still used in the time of *Etsu* Usman against rebels of royal blood, who were imprisoned in Giragi, the *ledu* town closest to Bida.